

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA :
: **ORDER**
- v. - :
: 21 Cr. 17 (KPF)
SHPENDIM HAXHAJ, :
: Defendant. :
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WHEREAS, pursuant to 18 U.S.C. § 4247(b), and the Court's Order dated April 16, 2024, a qualified examiner, Doctor Katlyn Hanson, Psy.D., conducted an evaluation of the defendant, SHPENDIM HAXHAJ at the U.S. Medical Center for Federal Prisoners in Springfield, Missouri ("MCFP Springfield"); and

WHEREAS, pursuant to 18 U.S.C. §§ 4241(b) and 4247(c), Dr. Hanson filed a forensic psychological report, with the Court on August 2, 2024 with copies provided to Alain Massena, Esq., counsel to the defendant, and to the United States, via Damian Williams, United States Attorney for the Southern District of New York, and Frank Balsamello, Assistant United States Attorney, of counsel (the "Government"); and

WHEREAS, Dr. Hanson opined in her report that the defendant is suffering from a mental illness that significantly impairs his ability to understand the nature and consequences of the court proceedings against him and impairs his ability to properly assist counsel in his defense; and

WHEREAS, after reviewing Dr. Hanson's report, defense counsel and the Government consent to the report's recommendation that the defendant be committed to a Medical

Referral Center for competency restoration, which would allow for further evaluation, including competency-related education and ongoing psychiatric treatment; and

WHEREAS, after reviewing Dr. Hanson's report, this Court finds that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to assist properly in his defense;

IT IS HEREBY ORDERED, pursuant to 18 U.S.C. § 4241(d), that the defendant be committed to the custody of the Attorney General of the United States; and it is further

ORDERED, pursuant to 18 U.S.C. § 4241(d)(1), that the Attorney General shall hospitalize the defendant as soon as possible for treatment in a suitable facility for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantially probability that in the foreseeable future the defendant will attain the capacity to permit criminal proceedings to go forward against him; and it is further

ORDERED that the Attorney General shall designate and transport the defendant to the suitable facility at which the defendant will be hospitalized as expeditiously as possible; and it is further

ORDERED that the MCFP Springfield is a "suitable facility" under 18 U.S.C. §§ 4241(d) and 4247(a)(2); and it is further

ORDERED that the four-month period for the defendant's commitment pursuant to 18 U.S.C. § 4241(d)(1) shall commence upon his arrival at the suitable facility, or upon the date of this Order in the event he remains designated to MCFP Springfield; and it is further

ORDERED that, should the suitable facility find at any time that the defendant has attained the capacity to permit criminal proceedings to go forward against him, the Bureau of Prisons ("BOP") shall notify the Court as soon as practicable; and it is further

ORDERED that, upon the expiration of 30 days from the date of this Order, the BOP shall provide an interim report to the Court, the Government, and defense counsel regarding the defendant's medical and psychological condition; the diagnosis of the examiner(s) at the suitable facility where the defendant is hospitalized who are assigned to examine the defendant; and the view of the examiner(s) as to prognosis; and it is further

ORDERED that, at the conclusion of the examination, evaluation, and treatment of the defendant in accordance with this Order, the BOP shall make a report of its findings as provided by 18 U.S.C. §§ 4247(c)(1), (2), (3), and (4)(A); and it is further

ORDERED that in evaluating the defendant and preparing any and all of the reports required by this Order, the examiner(s) at the suitable facility where the defendant is hospitalized who are assigned to examine the defendant shall consider, among any other pertinent materials, the report referenced in this Order, as well as any further documents that the Court may direct, and that the Government and defense counsel shall, to the extent necessary, provide copies of all such documents to the relevant person(s) at the suitable facility where the defendant is hospitalized; and it is further

ORDERED that the Government shall ensure that this Order is provided promptly to the appropriate personnel at the BOP and the United States Marshals Service so that there are no undue delays in the designation and transportation (if needed) of the defendant; and it is further

ORDERED that copies of any medical, psychiatric and/or psychological reports filed with the Court be provided to the Government to the attention of Assistant United States Attorney Frank Balsamello, 26 Federal Plaza, New York, New York 10278, and defense counsel

Alain Massena, Esq., Massena Law, P.C., 305 Broadway, 7th Floor, New York, New York 10007,
or any successor counsel appointed to represent the defendant.

DATED: August 26, 2024
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK